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BEFORE THE

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JUL 8 1993

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

FCC MAIL ROOM

In re Applications of)

MM Docket NO. 93-95

ERIC R. HILDING)

File No. BPH-911115MR

JUDY YEP HUGHES)

File No. BPH-911115MT

For a Construction Permit)

For a New FM Station on)

Channel 281A in)

Windsor, California)

To: Richard L. Sippel
Administrative Law Judge

CROSS MOTION FOR SUMMARY DECISION

Judy Yep Hughes, by her attorney and pursuant to Section
1.251 of the Commission's rules and the presiding ALJ's Order.

attached Declaration of Judy Yep Hughes indicates, there are no genuine issues of material fact in this proceeding requiring a hearing, and she should be awarded the construction permit.

comparatively preferred applicant³, he has not placed a declaration or verified facts concerning his application in his Motion For Summary Decision, as supplemented. Thus, the presiding ALJ, only for purposes of Hughes' Summary Decision, may indulge Mr. Hilding the assumption that he would fulfill his Standardized Integration Statement representation that he would move to Windsor and work full-time at the proposed station in comparison to the verified facts concerning Ms. Hughes' existing long time service area residence and full-time integration commitment. Summary Decision Procedures, 24 RR2d 1715, 1718 (1972). However, the presiding ALJ may find as the record so indicates, that Mr. Hilding lacks minority status and any tie or connection with Windsor including civic activities there or in the service area, generally. See Hilding Standardized Integration Statement as modified by FCC Order 93M-356 released June 11, 1993 at p.2. Mr. Hilding's only alleged comparative enhancements, which, for purposes of this motion, the presiding ALJ may assume are accurate, would be his auxiliary power proposal and his past broadcast experience which entitle him to minimal credit under the Policy Statement on Comparative Broadcast Hearings, 1 FCC 293 (1965).⁴

³ (see Joint Motion For Stay Of Discovery & Stipulated Procedures Concerning Respective Summary Decision Motions Regarding The Standard Comparative Issues filed June 28, 1993)

⁴ As noted in Order FCC 93M-356 released June, 11, 1993, a major portion of Mr. Hilding's Standardized Integration Statement was stricken because it concerned civic activities outside the service area, non-broadcast experience and other argumentative non-factual matters.

Thus, the factual record indicates there is no material question of fact concerning Ms. Hughes' comparative qualifications. She is entitled to a diversity preference for her lack of mass media holdings. She is also entitled to 100% full-time integration credit as the proposed General Manager of her station. That integration credit is fully enhanced by her minority status. Great Lakes Broadcasting, 7 FCC Rcd 1829 (Rev. Bd. 1992). She has demonstrated that her proposed integration is reliable and capable of effectuation. Ronald Sorenson, 6 FCC Rcd 1952 (1991); Colonial Communications, Inc., 5 FCC Rcd 1967 (Rev. Bd. 1990) recon. denied 5 FCC Rcd 3797 (Rev. Bd. 1990) rev. denied 6 FCC Rcd 2296 (1991), recon. dismissed, 7 FCC Rcd 674 (1992).

Ms. Hughes is of Chinese descent and a recognized minority,⁵ who resides and will continue to reside within the 1 millivolt contour of her proposed station, if awarded the construction permit. Attachment 1 hereto is a copy of

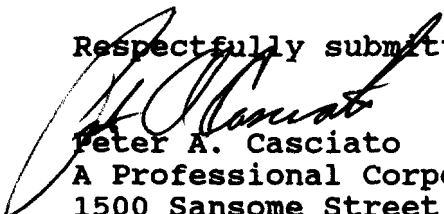
released June 29, 1993; Radio Jonesboro, Inc. 100 FCC 2d 941 (1985).

Ms. Hughes' local civic activities, performed both as a volunteer and in connection with her business in the city of license and in a nearby or adjacent city, demonstrate that she has "knowledge of and interest in the welfare of the community." Edward F. and Pamela J. Levine, FCC 93R-12 released April 19, 1993; Colonial Communications, Inc., 6 FCC Rcd 2296 (1991); National Communications Industries, 6 FCC Rcd 1978 para. 25 (Rev. Bd. 1991) aff'd 70 RR2d 800 (1992). In contrast, her opponent has none of these enhancement attributes. Therefore, there are no material questions of fact and, as a matter of law, the specified issues should be decided in her favor and Ms. Hughes' application should be granted.⁷

Conclusion

For all the foregoing reasons, summary decision should be awarded Ms. Hughes, granting her the construction permit.

Respectfully submitted,


Peter A. Casciato
A Professional Corporation
1500 Sansome Street Suite 201
San Francisco, CA 94111
(415) 291-8661
Attorney for Judy Yep Hughes

July 8, 1993

⁷ As the ALJ's Order FCC 93M-356 released June 11, 1993 indicated, any theories advanced by Mr. Hilding outside the legal criteria of the Policy Statement on Comparative Hearings are not

HUGHES ATTACHMENT 1



MM Docket No. 93-95
Windsor, CA

DECLARATION OF JUDY YEP HUGHES

I, Judy Yep Hughes, hereby declare as follows:

1. I am an applicant as an individual in this proceeding.
2. I have no ownership interest, voting interest, or management position in any broadcast, cable television, newspaper or other mass media interests.
3. I am female and of Chinese descent and heritage. My parents, Ching Kong Yep and Shew Wai Yep were born in China. Copies of portions of their passports reflecting their ethnic heritage are Attachments A & B hereto.
4. In the event my application is granted, I will serve as the General Manager of the proposed station, working full-time at least forty hours per week. As the General Manager of my proposed station, I will assume overall responsibility for the management and operation of the station. I will set personnel policies and make all hiring and firing decisions. I will set programming and commercial policies and I will supervise all of the station's personnel. I am presently a Marketing Representative with Home Savings of America - REO/Residential. In the event my Application is granted, I will terminate my employment with Home Savings of America to fulfill my commitment to work full time at my proposed station. I am also 50% owner and President/Secretary/Director of Redwood Home Video, Inc., which owns one retail outlet located in Healdsburg, CA, which is

presently for sale.¹ That store has a separate manager who oversees the daily operations. I spend approximately three (3) hours per week on matters related to Redwood Home Video. In the event of a grant of my application, I will continue to spend no more than three (3) hours per week on Redwood Home Video matters, if the store has not been sold by that time.

5. I have resided in Healdsburg, CA, since 1978 and I will continue to reside there in the event of a grant of my application. Healdsburg, CA is adjacent to Windsor, CA and is within the 1 millivolt contour of my proposed station. My

introduce coupon booklets to all members of VPMA, which were mailed to the public. From 1986-1988, I was the liaison between VPMA and Downtown Merchant Association in a coalition to promote and support local shopping. In May and September of 1987, I coordinated with local schools the display of Mother's Day and Halloween posters in Vineyard Plaza. From December 1988-90, I promoted and organized VPMA's representation in the local Santa Claus Parade. In February 1991 and 1992, with the Downtown Merchant Association, I coordinated and promoted a Valentine's Day campaign to keep local shoppers in town, again to aid the local economy.

I have also been a member of the Windsor Chamber of Commerce from 1985 to the present and a member of the Lakewood Merchant Association ("LMA"), located in Windsor, from 1984 to the present. As a member of LMA, I have participated each year in a number of Windsor civic events, including donating prizes for the Science Fair, and local public school class fundraisers.

I have been an active parishioner at St. John's Catholic Church since 1985. From then until the present, I have acted as Fundraising Chairperson for St. John's Catholic School. I have developed and coordinated various fundraising events to raise monies for sports programs, field trips, and classroom supplies. In October, 1988, I was Chairman of the Octoberfest Carnival, in which I organized and coordinated the food and game booths, ensuring a safe and fun Halloween for children. In March, 1989, I participated as a 5th grade judge for the Elementary School's Invention Convention. In January, 1990, I coordinated and

organized the Chinese New Year Celebration festivities for grades

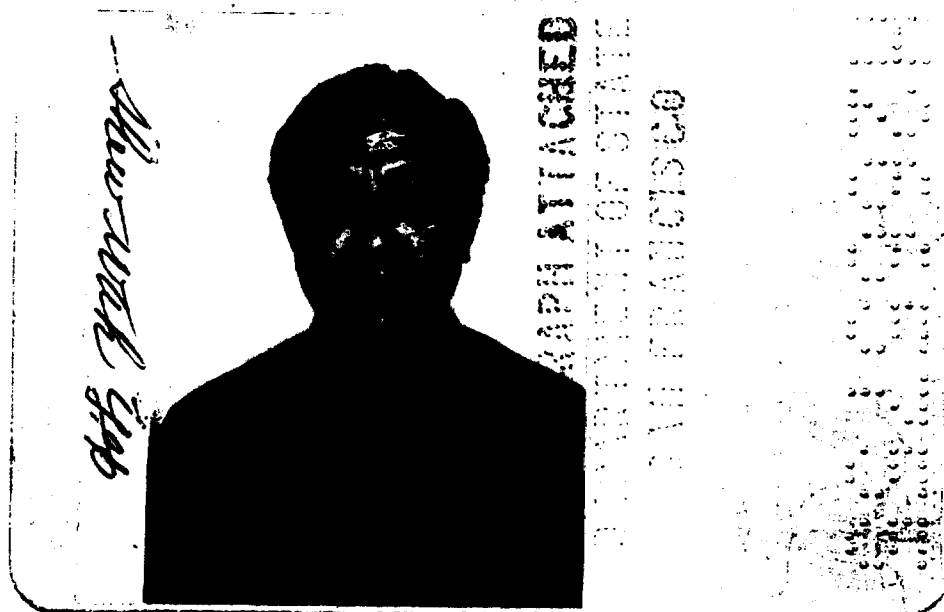
1-3 Currently I am Gaming Chairperson for the "Monte Carlo"

HUGHES' ATTACHMENT A

→ **WARNING:** ALTERATION, ADDITION OR MUTILATION OF ENTRIES IS PROHIBITED.
ANY UNOFFICIAL CHANGE WILL RENDER THIS PASSPORT INVALID.

NAME—NOM SHEW WAH YEP	
SEX—SEXE M	BIRTHPLACE—LIEU DE NAISSANCE CHINA
BIRTH DATE—DATE DE NAISSANCE OCT. 26, 1924	ISSUE DATE—DATE DE DELIVRANCE OCT. 3, 1977
WIFE/HUSBAND—EPOUSE/EPOUX X X X	EXPIRES ON—EXPIRE LE NOV. 30, 1978 SEE PAGE 5, 7
MINORS—ENFANTS MINEURS X X X	 <i>Shew Wah Yep</i> SIGNATURE OF BEARER—SIGNATURE DU TITULAIRE

→ **IMPORTANT:** THIS PASSPORT IS NOT VALID UNTIL SIGNED BY THE BEARER.
PERSONS INCLUDED HEREIN MAY NOT USE THIS PASSPORT FOR TRAVEL
UNLESS ACCOMPANIED BY THE BEARER.



HUGHES' ATTACHMENT C



May 7, 1992

To Whom It May Concern:

This is to inform you that Postal Customer Judy Hughes has received mail at the address of 2212 Lytton Springs Road since the year 1977. This address is located within the 95448 zip code which includes all of Healdsburg.

A handwritten signature in cursive script, appearing to read "Raymond P. Garloff".

Raymond P. Garloff
Postmaster
Healdsburg Ca. 95448-9998

NEW FM STATION
WINDSOR, CALIFORNIA

STATEMENT OF HARRY R. ANDERSON, CONSULTING ENGINEER

The firm of H.R. Anderson & Associates, Inc., Consulting Engineers, has been retained by Judy Yep Hughes to prepare the engineering portion of an application for a construction permit to build a new commercial FM broadcast station at Windsor, California.

1.0 Proposed Operation

It is proposed to construct a new commercial FM broadcast station operating on Channel 281A (104.1 MHz) at a site on Mt. Jackson, 12.6 km west of Windsor at North Latitude $38^{\circ} 32' 24''$, West Longitude $122^{\circ} 57' 39''$.

It is proposed to employ a 2 bay circularly-polarized, non-directional transmitting antenna mounted at the 20 meter level of an existing 34 meter tower. The center of radiation for both the horizontal and vertical polarizations will be at 508 meters above mean sea level (AMSL). It is proposed to employ a type-approved FM transmitter with its output power set such that the effective radiated power for both horizontal and vertical polarizations is 0.25 kW.

2.0 Allocation Conditions

Channel 281A was allotted to Windsor, California, by the Report and Order in MM Docket No. 90-187. In this Report and Order, the Commission pointed out that the Petition for Rulemaking to allot this channel had been filed prior to October 2, 1989. For this reason, this allotment was considered pursuant to the provisions contained in Section 73.213(c) of the Commission's Rules. Section 73.213(c) provides for spacing requirements to co-channel and adjacent

exposure level for a worker when averaged over any six minute period is below the ANSI exposure guidelines.

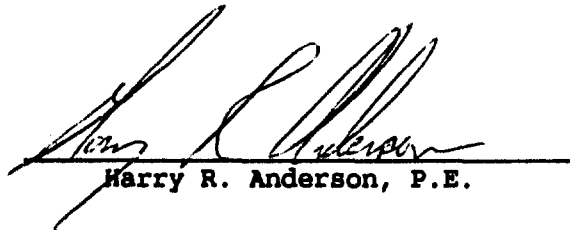
6.0 Auxiliary Power

Although commercial power has proven to be generally reliable in the area, the applicant proposes to install auxiliary generators at both the studio and transmitter location so that operation during periods of power outage would continue unimpaired.

7.0 Attached Documents

The attached Form 301, Section V-B, and supporting Exhibits, were prepared by me or under my direct supervision.

November 13, 1991



Harry R. Anderson, P.E.

H.R. Anderson & Associates, Inc.
Consulting Engineers
P.O. Box 1547
Eugene, Oregon 97440
(503) 687-041

HUGHES' ATTACHMENT E

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

Stamp + Return

In re Applications of)	MM Docket NO. 93-95
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ERIC R. HILDING)	File No. BPH-911115MT
)	
JUDY YEP HUGHES)	File No. BPH-911115MT
)	
For a Construction Permit)	
For a New FM Station on)	
Channel 281A in)	
Windsor, California)	

RECEIVED
MAY - 3 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Richard L. Sippel
Administrative Law Judge

STANDARDIZED INTEGRATION
STATEMENT OF JUDY YEP HUGHES

Judy Yep Hughes, pursuant to Commission Rule 1.325(c)(2), hereby submits her Standardized Integration Statement to the Presiding Judge, serving a copy on all applicants that have filed a Notice of Appearance in this proceeding.

(A)&(B) I am an applicant as an individual.

(C) I will serve as the General Manager of the proposed station, working full-time at least forty hours per week. As the General Manager of my proposed station, I will assume overall responsibility for the management and operation of the station. I will set personnel policies and make all hiring and firing decisions. I will set programming and commercial policies and I will supervise all of the station's personnel. I am presently a Marketing Representative with Home Savings of America - REO/Residential. In the event my Application is granted, I will terminate my employment with Home Savings of America to fulfill my commitment to work full time at my proposed station. I am also 50% owner and President/Secretary/Director of Redwood Home

Video, Inc., which owns two retail outlets, one located in Windsor and one located in Healdsburg, CA. Both stores are presently for sale. Each location has a separate manager who oversees the daily operations. I spend approximately three (3) hours per week on matters related to Redwood Home Video. In the event of a grant of my application, I will continue to spend no more than three (3) hours per week on Redwood Home Video matters, if one or both of the stores have not been sold by that time.

(D) I have no broadcast, cable television, newspaper or other mass media interests.

(E) I am female and of Chinese descent and heritage. My parents, Ching Kong Yep and Shew Wai Yep were born in China.

(F) I have resided in Healdsburg, CA, since 1978 and I will continue to reside there in the event of a grant of my application. Healdsburg, CA is adjacent to Windsor, CA and is within the 1 millivolt contour of my proposed station. My address is 2212 Lytton Springs Road, which is within the 95448 zip code for Healdsburg, CA.

Through Redwood Home Video, I was a member of the Healdsburg Chamber of Commerce from 1984-1988. Also through Redwood Home Video, I have been an active member of Vineyard Plaza Merchant Association ("VPMA") since 1984. In that capacity, in May, 1984, I represented VPMA as a buyer of fair animals at the annual Future Farmers of America fair to support local 4-H agricultural projects. Likewise in December 1984, I coordinated VPMA's participation in the Downtown Association's "Open House" to help

maintain the vitality of the local economy in Healdsburg. In that regard, in August, 1986, I worked with the Event Planner to introduce coupon booklets to all members of VPMA, which were mailed to the public. From 1986-1988, I was the liaison between VPMA and Downtown Merchant Association in a coalition to promote and support local shopping. In May and September of 1987, I coordinated with local schools the display of Mother's Day and Halloween posters in Vineyard Plaza. From December 1988-90, I promoted and organized VPMA's representation in the local Santa Claus Parade. In February 1991 and 1992, with the Downtown Merchant Association, I coordinated and promoted a Valentine's Day campaign to keep local shoppers in town, again to aid the local economy.

I have also been a member of the Windsor Chamber of Commerce from 1985 to the present and a member of the Lakewood Merchant Association ("LMA"), located in Windsor, from 1984 to the present. As a member of LMA, I have participated each year in a number of Windsor civic events, including donating prizes for the Science Fair, and local public school class fundraisers.

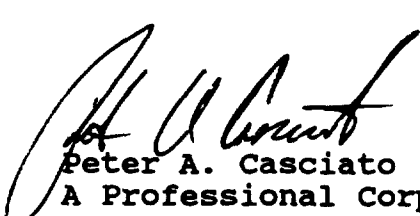
I have been an active parishioner at St. John's Catholic Church since 1985. From then until the present, I have acted as Fundraising Chairperson for St. John's Catholic School. I have developed and coordinated various fundraising events to raise monies for sports programs, field trips, and classroom supplies. In October, 1988, I was Chairman of the Octoberfest Carnival, in which I organized and coordinated the food and game booths,

ensuring a safe and fun Halloween for children. In March, 1989, I participated as a 5th grade judge for the Elementary School's Invention Convention. In January, 1990, I coordinated and organized the Chinese New Year Celebration for grades 1-3. Currently, I am Gaming Chairperson for the "Monte Carlo" Fundraiser, held every February. In 1992, I was the volleyball coach for the fourth and fifth grade girls' volleyball team.

I have also been a member of the Healdsburg Swim Team since 1989. As a member, I have helped solicit local merchants for donations to the team, for which they receive advertisement space at swim meets. Furthermore, I participate in the annual swim-a-thons held yearly in April, in which I solicit 20 businesses for donations. I also volunteer referee at most home swim meets, which occur approximately ten times a year. Finally, I have been a member of the Healdsburg Boys & Girls Club since approximately 1984, and each year I have supported at least two of the Club's sports programs, either basketball, soccer, t-ball or gymnastics.

(G) I have no previous broadcast experience.

(H) I do not claim a daytimer preference.



Peter A. Casciato
A Professional Corporation
1500 Sansome Street Suite 201
San Francisco, CA 94111
(415) 291-8661

Attorney for Judy Yep Hughes

April 29, 1993

Respectfully submitted,



Judy Yep Hughes

CERTIFICATE OF SERVICE

I, Peter A. Casciato, certify that the following is true and correct:

I am employed in the City and County of San Francisco, California, am over the age of eighteen years, and am not a party

CERTIFICATE OF SERVICE

I, Peter A. Casciato, certify that the following is true and correct:

I am employed in the City and County of San Francisco, California, am over the age of eighteen years, and am not a party to the within entitled action:

My business address is: 1500 Sansome St., Suite 201, San Francisco, California 94111.

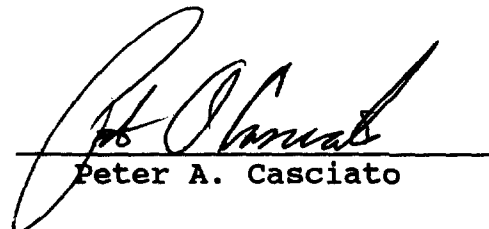
On July 8, 1993, I caused the attached Cross Motion For Summary Decision to be served by causing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid, to be sent by regular U.S. Mail in San Francisco, CA for delivery as follows:

Hon. Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW Room 214
Washington, DC 20036 (By Federal Express)

Norman Goldstein, Esq.
Mass Media Bureau
Federal Communications Commission
2025 M Street NW Room 7212
Washington, D.C. 20554

Chief, Data Management
Federal Communications Commission
Mass Media Bureau
1919 M Street NW Room 350
Washington, D. C. 20554

Eric R. Hilding
P.O. Box 1700
Morgan Hill, CA 95038-1700



Peter A. Casciato